

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

TERRY CRANDALL MINCEY,)	No. CV-F-04-6373 REC
)	(No. CR-F-97-5266 REC)
)	
Petitioner,)	ORDER DENYING PETITIONER'S
)	MOTIONS FOR NEW TRIAL AND
vs.)	RELIEF FROM JUDGMENT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	
)	

The court hereby denies petitioner's motions for a new trial and relief from judgment. Although petitioner asserts that he expected this court to order the United States to respond to his motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and to set a date for petitioner's reply, this court only does so when the court concludes from its initial review that one or more of the claims asserted in the Section 2255 motion have arguable merit, thereby necessitating a response from the United States. As the court ruled in its Order Denying Petitioner's Motion to Vacate, Set Aside or Correct Sentence

1 filed on June 3, 2005, petitioner failed to demonstrate that he
2 is entitled to relief under Section 2255 with regard to any of
3 the numerous claims asserted by petitioner. Petitioner's
4 arguments to the contrary set forth in the instant motion do not
5 persuade the court that the rulings made in the June 3, 2005
6 Order are erroneous or contrary to law given the standards
7 governing preliminary review of a Section 2255 motion and the
8 standards governing relief under Section 2255.

9 ACCORDINGLY:

10 1. Petitioner's motions for new trial and relief from
11 judgment are denied.

12 IT IS SO ORDERED.

13 **Dated: October 21, 2005**
14 668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE